

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH F. HUTCHISON, et al.,) Case No. 1:01-789
)
Plaintiffs,) (Judge Beckwith)
)
- v-)
FIFTH THIRD BANCORP,) AGREED MOTION FOR EXTENSION
) OF TIME TO FILE REPLY BRIEF IN
Defendant.) SUPPORT OF ITS MOTION TO
) STRIKE PLAINTIFFS' MOTION TO
) <u>CERTIFY CLASS</u>
)

Defendant Fifth Third Bancorp (hereinafter "Fifth Third"), with agreement from the Plaintiffs, hereby moves for an Extension of Time until September 7, 2005 to File its Reply Brief in Support of its Motion to Strike Plaintiffs' Motion to Certify Class. Plaintiffs filed their Response in Opposition to Fifth Third's Motion to Strike on August 17, 2005 and, therefore, Fifth Third's Reply Brief is currently due on August 30, 2005.

All parties to this action will be participating in a mediation scheduled for the entire day of August 24, 2005. In order to efficiently make use of all of the parties' time, energy, and funds in attempting to resolve the case, Fifth Third is requesting an extension of time to file the reply brief on September 7, 2005, fourteen days after the date of the scheduled mediation.

Plaintiffs' counsel have agreed to this extension. Therefore, with good cause for this short extension, Fifth Third respectfully requests that the Court grant this agreed motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY was served upon William J. Moran, Jr., Deters, Benzinger & LaVelle, P.S.C., 3500 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202 and John R. Kirk and Richard G. Meyer, Deters, Benzinger & LaVelle, P.S.C., 207 Thomas More Parkway, Crestview Hills, KY 41017, by ordinary U.S. mail, this 23rd day of August, 2005.

Patrick F. Fischer